

*For Immediate Release*

## **The “Fix is In” on the “Fix-Yucca” Bill**

April 7, 2006

Nevada’s Nuclear Projects Director, Robert Loux, today issued a sharp rebuttal to the Bush Administration’s “Fix-Yucca” Bill, sent to Congress on April 4 as a last-ditch effort by the Energy Department to salvage a Yucca Mountain nuclear waste repository program that many believe is all but dead. In a nine-point bullet paper, Loux called the bill an “unabashed and futile attempt to legislate around Yucca’s scientific and regulatory flaws.”

Among other things, the bill removes any capacity restriction on waste that can be buried at Yucca, allowing waste from future reactors and from all over the world to traverse the nation’s transport corridors to Nevada. “DOE appears to have followed the old adage, when you can’t get a grip on the current problem, enlarge it,” Loux said, calling the bill’s open door for foreign reactor waste “obscene.”

The bill also removes all federal, state, and local authorities from any role in nuclear transportation, giving DOE sole and unilateral authority over the world’s largest nuclear shipping campaign. It preempts Nevada’s ability to regulate the state’s water resources, a provision Loux called “unconstitutional.” And it removes any safety requirements for the disposal of more than 500 million pounds of hazardous metals that would accompany nuclear waste elements, preempting Nevada’s hazardous waste and air quality control laws. It also sharply curtails public participation opportunities by depriving anyone of a formal or informal hearing on changes made by DOE after it has received an initial construction permit.

The Yucca Mountain site was approved by President Bush and Congress in 2002, and by law the Energy Department had 90 days to submit a license application for a construction permit to the Nuclear Regulatory Commission. But a succession of legal victories by Nevada, coupled with ever growing findings of document falsifications, quality assurance problems, and technical shortcomings has plagued the project ever since. Last week, DOE conceded that it has no idea when it will be ready to file an application, though it will not be any time prior to 2008, according to published news reports. The projected opening date for the repository was also moved by DOE from 2012 to at least 2020.

But according to Loux, “This project will *never* open. It is scientifically doomed, and no longer makes any policy sense since spent nuclear fuel can be managed safely at reactor sites for hundreds of years.” Loux further noted that neither the Environmental Protection Agency nor the Nuclear Regulatory Commission has yet issued a licensing standard for Yucca, after their old standards were overturned by a federal appeals court in 2003. “When the new standards finally do come down, Nevada will vigorously challenge them,” he vowed. “And we expect to win.”

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